REMARKS

This Response is to the final Office Action dated September 17, 2009. Claims 1 to 6, 9, 10, 12 to 14, 17, 27 to 29, 40, 43 to 46, 48, 49, 51, 54, 62, 64, 65 and 93 have been amended. No new matter was added by these amendments. Claims 15, 16 and 47 have been cancelled without prejudice or disclaimer. Applicants submit herewith a Petition for Two Month Extension of Time and a Request for Continued Examination. Please charge Deposit Account No. 02-1818 for the Petition for Two Month Extension of Time, Request for Continued Examination and any other amounts due in connection with this Response.

In the Office Action: (a) the drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they allegedly do not include the "Line Set" as described in paragraph 647 of the Pre-Grant publication of the subject application; (b) Claim 93 was objected to due to an informality; (c) Claims 49 and 62 to 64 were rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter because the process steps are allegedly not tied to a machine nor do they execute a transformation; (d) Claims 2, 7, 9, 10 and 15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; (e) Claims 1 to 5, 9 to 18, 21, 24, 25, 27 to 30, 40, 46 to 49, 51 and 52 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0016568 to Lebel et al. ("*Lebel*"); (f) Claims 54 and 57 to 64 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0029776 to Blomquist ("*Blomquist*"); (g) Claims 6 to 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of U.S. Publication No. 2002/0173774 to Olsen ("*Olsen*"); (h) Claims 19, 20, 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel*; (i) Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of U.S. Publication No. 2002/0016568 to McDevitt et al. ("*McDevitt*"); (j) Claims 31 to 36, 39, 41, 43 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *Blomquist*; (k) Claims 37 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *Blomquist* and further in view of *McDevitt*; (l) Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* and *Blomquist*, and further in view of U.S. Publication No. 2004/0029213 to Callahan et al. ("*Callahan*"); (m) Claim 53 was rejected under 35 U.S.C. § 103(a) as being unpatentable over

Lebel in view of U.S. Publication No. 2002/0116509 to De La Huerga ("*De La Huerga*"); and (n) Claims 65, 66, 68 to 89, 90, 91 and 93 to 101 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Blomquist* in view of U.S. Publication No. 2004/0104271 to Martucci et al. ("*Martucci*").

Regarding the objection to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because they allegedly do not include the "Line Set" as described in paragraph 647 of the Pre-Grant publication of the subject application, Applicants respectfully submit that Fig. 53 does in fact include a Line Set and in fact provide a detailed explanation as to what a line set includes. Paragraphs 411 and 412 of U.S. Publication No. 2005/0055242 (the present application) state in part:

> [0411] Accordingly, as explained in further detail below, one use of a MEMS component is as an in-line MEMS pump 5314, shown schematically in FIG. 53. The MEMS pump 5314 is capable of pumping fluid contained in the ***IV bag 5320*** through the ***tube 5312***, out through the ***access device 5324***, and into a patient. The MEMS component has a MEMS local electronics element attached thereto, and the MEMS electronics element connects with an external, durable MEMS controller, which can communicate with the present system 210 as does the present infusion pump 120 described herein . . . [0412] The use of MEMS or other emerging economical fabrication techniques provides an opportunity to add a MEMS element ***to a disposable line-set*** that provides additional functionality such as pumping, valving, and sensing. Some or all of the supporting local electronics could be included in a disposable portion of a line-set as well . . . [emphasis added]

Read in combination, these paragraphs make clear that the line set includes IV bag 5320, tube 5312 and access device 5324. Accordingly, Fig. 53 does in fact illustrate a line set. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

Claim 93 was objected to due to an informality. Applicants respectfully request that this objection be withdrawn in view of the amendment made to Claim 93, which corrects its dependency.

Regarding the rejection of Claims 49 and 62 to 64 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter, Applicants respectfully request that the rejection be withdrawn in view of the amendments made herein. In response to the amendments made in the last Response, the Examiner indicated that the term "causing" implied certain actions could

be performed by a human, rather than a machine. Applicants have removed this language and clarified what components perform each step.

Regarding the rejection of Claims 2, 7, 9, 10 and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, Applicants respectfully request that the rejection of Claims 2, 9 and 10 be withdrawn in view of the amendments made herein. Claims 2, 9 and 10 have been amended to clarify that the connections between the user interface and the medical devices actually do occur. Claims 9 and 10 have been amended for clarity to remove the term "listen" and replace it with "receive." Applicants respectfully submit that their explanation of "line set" above with regard to the objection of the drawings renders the rejection of Claim 7 moot. Claim 15 has been cancelled, rendering the rejection of Claim 15 moot.

Regarding the rejection of Claims 1 to 5, 9 to 18, 21, 24, 25, 27 to 30, 40, 46 to 49, 51 and 52 under 35 U.S.C. § 102(b) as being anticipated by *Lebel*, Applicants respectfully submit independent Claims 1, 27, 49 and 51 as presently presented are distinguished over *Lebel*.

Lebel does not disclose a multi-purpose user interface for a healthcare system having ***a plurality of medical devices each associated with a different patient***, the user interface having a communications interface for providing communication between the user interface and ***each of the plurality of medical devices***, as does amended Claim 1. Claims 27, 49 and 51 have been similarly amended.

In *Lebel*, the external device is only disclosed as communicating with a single implantable infusion pump, not a plurality of medical devices. In one embodiment of *Lebel*, an implantable glucose sensor may be used in conjunction with an implantable insulin pump. (*See Lebel*, ¶ [0420]). Even to the extent both of these sensors communicate with a single external device (which is not made clear in *Lebel*), each of these devices is associated with a same patient, unlike the plurality of medical devices in Claim 1, for example. For these reasons, Applicants respectfully request that this rejection of Claims 1 to 5, 9 to 18, 21, 24, 25, 27 to 30, 40, 46 to 49, 51 and 52 be withdrawn.

Regarding the rejection of Claims 54 and 57 to 64 under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0029776 to Blomquist ("*Blomquist*"), Applicants respectfully submit Claims 54 and 62 as presently presented are distinguished over *Blomquist*.

Regarding this rejection, page 49 of the Office Action, referring to Applicants' last Response, states: ". . . The Examiner notes that this statement differs from the claim language. In addition, the claims do not require that the data be displayed on a computer." Applicants have clarified Claims 54 and 62 to emphasize that the interface device does in fact display both first and second data for each of the plurality of pumps on a single interface screen on the interface device.

Referring to Fig. 1, reproduced below, *Blomquist* discloses a client/server network system including a network server 102 and a plurality of computers 104. Memory on the server 102 is loaded with an information management system 106 having data keys and program data. At least one of the computers 104 connected to the client/server network 108 is configured to be connected to a medical pump 110.

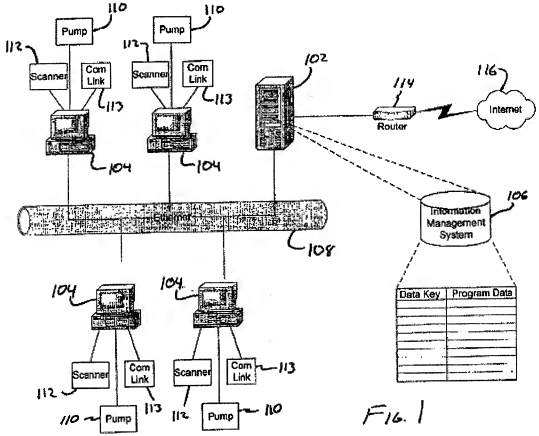


FIG. 1

Referring to paragraph [0050] of *Blomquist*, in one embodiment, the pump 110 includes "an external communication sensor 334 which can sense when a remote dose cord is attached, or

when a remote data-gathering device (e.g., temperature sensor, blood pressure monitor, EKG monitor, or respiratory monitor) is attached."

Blomquist only mentions a remote data gathering device, such as a blood pressure monitor in passing, in the context of a cord sensor associated with the pump 110. *Blomquist* does not disclose or suggest sending data from such a data-gathering device to a central computer and displaying at least a portion of the data on a single display of an interface device along with data from the pump.

Further, the Office Action appears to reason the *Blomquist* pump 110 is the pump of Claim 54, computer 104 is a monitor and network server 102 is a central computer. *Blomquist* does not disclose an interface device ***remote from the infusion pump and the vital signs monitor*** and in communication with the central computer, for displaying at least a portion of each of the first and second healthcare data on a single interface screen on the interface device. The Office Action also appears to reason that another computer 104 attached to the network in *Blomquist* could be an interface device. However, such a computer would not be remote from its associated pump 110. For at least these reasons, Applicants respectfully submit that Claims 54 and 57 to 64 are patentable over *Blomquist* and in condition for allowance.

Regarding the rejection of Claims 6 to 8 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *Olsen*, Claims 19, 20, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel*, Claim 26 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *McDevitt*, Claims 31 to 36, 39, 41, 43 and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *Blomquist*, Claims 37 and 45 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *Blomquist* and further in view of *McDevitt*, Claim 42 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* and *Blomquist*, and further in view of *Callahan* and Claim 53 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *De La Huerga*, Applicants respectfully submit that neither *Olsen*, *McDevitt*, *Blomquist* nor *De La Huerga* remedy the above-discussed deficiencies of *Lebel* and that accordingly, these rejections should be withdrawn.

Regarding, the rejection of Claims 65, 66, 68 to 89, 90, 91 and 93 to 101 under 35 U.S.C. § 103(a) as being unpatentable over *Blomquist* in view of *Martucci*, Applicants respectfully request that this rejection be withdrawn in view of the following arguments.

Neither *Blomquist* nor *Martucci* discloses an interface device remote from a first medical pump and a second medical pump having an interface screen for displaying a manipulated version of the first and second medical pump data, wherein the manipulated version of the first and second medical pump data comprises near miss data related to the delivery of a medication ***from the first and second pumps***, as does Claim 65.

Claim 90 includes a central computer in communication with a plurality of interface devices over a communications network, for receiving and storing the identifier data, wherein at least one of the plurality of interface devices has an interface screen for displaying a manipulated version of the identifier data, wherein the manipulated version of the identifier data comprises near miss data ***relating to the use of the identifier data***. Similarly, neither *Blomquist* nor *Martucci* discloses displaying such identification data.

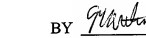
As discussed above, *Blomquist* does not disclose an interface device remote from the first medical pump and the second medical pump. Further, *Blomquist* clearly does not disclose displaying a manipulated version of first and second medical pump data, wherein the data is near miss data related to the delivery of a medication ***from the first and second pumps***. The Office Action cited *Martucci* in an attempt to remedy this deficiency. Paragraph [0035] of *Martucci*, however, discloses an adapter configured to detect incorrect programming of the delivery device or incorrect changing of delivery device settings and send a resulting alarm upon such detection. *Martucci* does *not* disclose or suggest displaying data related to such alarms for multiple pumps on a single interface device.

Regarding Claim 90, the information which is monitored in *Martucci* is not identification data. Identification data, as further defined on in Claim 97, is for example, scan data (item or patient) – not the literal programming of the pump or modifications to pump operating parameters. For at least these reasons, Applicants respectfully submit that Claims 65, 66, 68 to 89, 90, 91 and 93 to 101 are patentable over the combination of *Blomquist* and *Martucci* and in condition for allowance.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

K&L GATES LLP

BY 

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